

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES H. FOSTER,

Plaintiff,

v.

CITY OF PHILADELPHIA et al.,

Defendants.

CIVIL ACTION  
NO. 12-5851

**ORDER**

**AND NOW**, this 8<sup>th</sup> day of October, 2014, upon consideration of the Amended Complaint in Foster (Doc. No. 6); the City Defendants' Motion for Summary Judgment (Doc. No. 84); Century Motors' Motion for Summary Judgment (Doc. Nos. 85, 86); Jefferson's Motion for Summary Judgment (Doc. No. 87); Foster's Response in Opposition (Doc. No. 100); Century Motors' Reply (Doc. No. 102); City Defendants' Reply (Doc. No. 103); Jefferson's Reply (Doc. No. 112); and all attached exhibits and related filings; and in accordance with the Opinion of the Court issued this day, it is **ORDERED** as follows:

1. The City Defendants' Motion for Summary Judgment (Doc. No. 84) is **GRANTED** in part and **DENIED** in part. The City of Philadelphia's Motion for Summary Judgment will be granted in its entirety and the City is dismissed as a defendant in this case. Officer Boyle's Motion for Summary Judgment will be granted on Count Two only.
2. Century Motors' Motion for Summary Judgment (Doc. Nos. 85, 86) is **GRANTED** in part and **DENIED** in part. Century Motors' Motion for Summary Judgment will be granted on Count Two only.

3. Alfred Jefferson's Motion for Summary Judgment (Doc. No. 87) is **DENIED**.

BY THE COURT:

/s/ Joel H. Slomsky  
JOEL H. SLOMSKY, J.